

REMARKS

The Office Action has required an election of species under 35 U.S.C. § 121:

Reverse Determination 1: Based on acceleration of a side of the clutch.

Reverse Determination 2: Based on the speed of the driven side of the clutch.

Standby Determination 1: Based on the transmission position and clutch disengagement.

Standby Determination 2: Based on Throttle position or requested shift.

Applicant respectfully traverses the election requirement. However, to be fully responsive, Applicant hereby elects Reverse Determination 1 (claims 2 and 9) and Standby Determination 1 (claims 4 and 11).

According to the M.P.E.P. § 803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it may include claims to independent or distinct inventions.

Applicant respectfully submits that the examination of the entire application, including claims 1-13, would not be a serious burden on the Examiner. This is particularly so because the Examiner has not provided reasons why the examination of all the inventions would be a serious burden. Therefore, Applicant respectfully requests that the election requirement be withdrawn and that all claimed invention be examined in this application.

Furthermore, Applicant has paid a filing fee for an examination of all claims in this application. If the Examiner refuses to examine the claims paid for when this application was filed, Applicant must pay duplicative fees to file divisional applications for the non-elected or withdrawn groups of claims. In conclusion, the Examiner has not shown that there would be a serious burden on the Examiner if the election were not made.

The Commissioner is hereby authorized to charge any fees which may be required for this submission, or credit any overpayment to deposit account no. 50-2036.

Respectfully submitted,

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